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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,979	10/17/2006	Shiro Ohmura	711/2	2592
27538 7590 08/04/2009 GIBSON & DERNIER L.L.P. 900 ROUTE 9 NORTH SUITE 504 WOODBIDGE, NJ 07095				
EXAMINER				
COLLINS, MICHAEL				
ART UNIT		PAPER NUMBER		
3651				
MAIL DATE		DELIVERY MODE		
08/04/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/584,979

**Applicant(s)**

OHMURA ET AL.

**Examiner**

MICHAEL K. COLLINS

**Art Unit**

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 21-30 is/are allowed.  
6) ☒ Claim(s) 13-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CIS)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### ***Allowable Subject Matter***

1. The indicated allowability of claim 13 is withdrawn in view of the newly discovered reference(s) to Yasuoka et al. (USPGPUB 2003/0074868). Rejections based on the newly cited reference(s) follow.
2. Claims 21-30 are allowed.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 13-20 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yasuoka et al. (USPGPUB 2003/0074868).

Regarding claim 13, Yasuoka et al. disclose an automatic drug dispenser comprising:

- a drug cassette (11) which ejectably accommodates drugs;
- a base unit (1) which detachably supports the drug cassette and drives a motor to eject drugs;
- a drug feeder (34) storage which is designed to store a plurality of base units;
- a reading device (40) which is provided in each of the base units and reads identification information assigned to the drug cassette; and
- a checking means (16) which compares a result of reading with pre-stored check data, wherein a microprocessor with a built-in memory is mounted in each of the base units, the checking means is built in each microprocessor in a distributed manner, the check data is built in the built-in memory in a distributed manner, and a determination as to whether the drug cassette is properly attached is made exclusively by the base unit.

Regarding claim 14, Yasuoka et al. disclose the automatic drug dispenser according to claim 13, wherein, if the result of comparison indicates matching failure, the base unit suspends motor-driven ejection and causes associated information to be output.

Regarding claim 15, Yasuoka et al. disclose the automatic drug dispenser according to claim 13, further comprising an overwriting means which overwrites the check data with the identification information read by the reading device.

Regarding claim 16, Yasuoka et al. disclose the automatic drug dispenser

according to claim 14, further comprising an overwriting means which overwrites the check data with the identification information read by the reading device.

Regarding claim 17, Yasuoka et al. disclose the automatic drug dispenser according to claim 13, wherein the base unit is provided with a plurality of indicators, the microprocessor is provided with a communication means, and at least one of the indicators displays a drug ejection enabled state and at least one other of the indicators displays a communication enabled state indicating that communication is enabled in the microprocessor.

Regarding claim 18, Yasuoka et al. disclose the automatic drug dispenser according to claim 14, wherein the base unit is provided with a plurality of indicators, the microprocessor is provided with a communication means, and at least one of the indicators displays a drug ejection enabled state and at least one other of the indicators displays a communication enabled state indicating that communication is enabled in the microprocessor.

Regarding claim 19, Yasuoka et al. disclose the automatic drug dispenser according to claim 15, wherein the base unit is provided with a plurality of indicators, the microprocessor is provided with a communication means, and at least one of the indicators displays a drug ejection enabled state and at least one other of the indicators displays a communication enabled state indicating that communication is enabled in the microprocessor.

Regarding claim 20, Yasuoka et al. disclose the automatic drug dispenser according to claim 16, wherein the base unit is provided with a plurality of indicators, the

microprocessor is provided with a communication means, and at least one of the indicators displays a drug ejection enabled state and at least one other of the indicators displays a communication enabled state indicating that communication is enabled in the microprocessor.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL K. COLLINS whose telephone number is (571)272-8970. The examiner can normally be reached on 8:30 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.K.C.  
8/03/2009

/Gene Crawford/  
Supervisory Patent Examiner, Art  
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